

**ORIGINAL**

FLETCHER, HEALD &amp; HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ROSSLYN, VIRGINIA 22209-3801

(703) 812-0400

TELECOPIER

(703) 812-0486

INTERNET

office@fhh-telcomlaw.com

October 10, 1997

ANN BAVENDER\*  
 ANNE GOODWIN CRUMP\*  
 VINCENT J. CURTIS, JR.  
 RICHARD J. ESTEVEZ  
 PAUL J. FELDMAN  
 ERIC FISHMAN  
 RICHARD HILDRETH  
 FRANK R. JAZZO  
 ANDREW S. KERSTING\*  
 KATHRYN A. KLEIMAN  
 EUGENE M. LAWSON, JR.  
 HARRY C. MARTIN  
 J. TODD METCALF\*  
 GEORGE PETRUTSAS  
 LEONARD R. RAISH  
 JAMES P. RILEY  
 KATHLEEN VICTORY  
 HOWARD M. WEISS

\* NOT ADMITTED IN VIRGINIA

FRANK U. FLETCHER  
 (1939-1986)  
 ROBERT L. HEALD  
 (1966-1983)  
 PAUL D. P. SPEARMAN  
 (1936-1982)  
 FRANK ROBERSON  
 (1936-1981)  
 RUSSELL ROWELL  
 (1948-1977)

RETIRED  
 EDWARD F. KENEHAN

CONSULTANT FOR INTERNATIONAL AND  
 INTERGOVERNMENTAL AFFAIRS  
 SHELDON J. KRYSS  
 U. S. AMBASSADOR (ret.)

OF COUNSEL  
 EDWARD A. CAINE\*  
 JOHN JOSEPH SMITH\*

WRITER'S DIRECT  
 703-812-0438

**VIA HAND DELIVERY**

Mr. William F. Caton  
 Acting Secretary  
 Federal Communications Commission  
 1919 M Street, N.W., Room 222  
 Washington, D.C. 20554

Re: KLXK(FM)  
 Breckenridge, TX  
Petition For Rulemaking

**RECEIVED**

OCT 10 1997

FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

Dear Mr. Caton:

Transmitted herewith, on behalf of Big Country Radio, Inc., licensee of KLXK(FM), Breckenridge, Texas, are an original and four copies of a Petition For Rulemaking requesting initiation of a rulemaking proceeding to amend the FM table of allotments to substitute Channel 228C3 for Channel 228C2 at Breckenridge, Texas, reallocate Channel 228C2 from Breckenridge to Graford, Texas, and modify KLXK(FM)'s license to specify operation on Channel 228C2 at Graford.

If questions arise, please contact the undersigned attorney.

Sincerely,



Ann Bavender  
 Counsel for Big Country Radio, Inc.

Enclosure

No. of Copies rec'd  
 List ABOVE

24

MMB

ORIGINAL

BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

RECEIVED

OCT 10 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of Section 73.202(b) )  
of the Commission's Rules, )  
FM Table of Allotments )  
(Breckenridge and Graford, Texas) )  
 )

MM Docket No. \_\_\_\_\_  
RM \_\_\_\_\_

To: Chief, Allocations Branch

**PETITION FOR RULEMAKING**

Big Country Radio, Inc. ("Big Country"), licensee of KLXK (FM), Breckenridge, Texas, by its attorneys and pursuant to Section 1.420(g)(3) and 1.420(i) of the Commission's Rules, hereby requests that the Commission institute a rulemaking proceeding to amend Section 73.202(b) of its rules to substitute Channel 228C3 for Channel 228C2 at Breckenridge, Texas, reallocate Channel 228C3 to Graford, Texas, and modify KLXK(FM)'s license to change the community of license from Breckenridge, Texas to Graford, Texas to provide a first local service to Graford. Big Country proposes to amend Section 73.202(b) of the Commission's Rules, FM Table of Allotments, as follows:

<u>City</u>	<u>Present</u>	<u>Channel No.</u>	<u>Proposed</u>
Breckenridge, Texas	228C2		---
Graford, Texas	---		228C3

No change in any other existing allotment is requested. Reallotment of Channel 228C3 to Graford, which would be mutually exclusive with the allotment to Breckenridge, would

serve the public interest by providing Graford with a well-deserved first local aural transmission service.

In *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990) (hereinafter "*Community of License*"), the Commission stated that it would allow a station to change its community of license provided it met certain criteria, namely: (1) the proposed channel must be mutually exclusive with the existing channel; (2) the new community must be preferred over the existing community under the Commission's allotment priorities; and (3) the existing community must not be deprived of its only existing service.

Big Country's proposal satisfies all three criteria set forth by the Commission in *Community of License*. First, if the channel substitution proposed herein is granted, reallocation of Channel 228C3 to Graford would be mutually exclusive to the allotment of the channel to Breckenridge.

Second, in evaluating whether the proposed changes would result in a preferential arrangement of allotments, the Commission applies the allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*, 90 F.C.C.2d 88 (1982). Those priorities are (1) first aural service, (2) second aural service, (3) first local service, and (4) other public interest matters. Reallocation of Channel 228C3 to Graford is favored under priority (3), as it will provide a first local aural transmission service to Graford.

A rural town in northwest Texas, the 1990 U.S. Census population count of Graford is 561; the city of Graford informally estimates the 1997 population to be approximately 600.

This community was incorporated on August 18, 1922 with an aldermanic form of government. The city's government consists of a mayor, five city council members, and a

city secretary. Graford has its own police department, fire department, and city utilities. In addition, Graford has its own taxing authority and bond rating. Graford Independent School District has an enrollment of approximately 380 students, including elementary, middle, and high schools. The school district is accredited by the Texas Education Agency and provides a full range of educational services. Graford also has emergency medical services and ambulatory services available. Thus, typical municipal services are provided to the residents by the local government of Graford.

As for community activities, Graford has five churches within its boundaries. In addition, various other community organizations are active in Graford, including the Lion's Club, the Masonic Lodge, and the Order of the Eastern Star. Graford has several organizations focused on developing and improving the welfare of the youth in the community including several youth sports leagues, the parent-teacher association, and various church organizations. Finally, Graford provides a park for the benefit of its residents, which contains several athletic fields and recreation areas.

With respect to the Commission's third criterion, the existing community, Breckenridge, will not be deprived of its only existing service as it will continue to be served by KROO(AM). Thus, the Commission's comparative criteria favor a first local service to Graford over a second local service to Breckenridge.

As proposed in the attached *Engineering Statement*, Station KLXK (FM) operating on Channel 228C3 at Graford will provide aural reception service to 40,181 persons in an area of 4,778 square kilometers. At present, KLXK (FM) provides service to 13,168 persons in an area of 4,617 square kilometers. Thus, operation on Channel 228C3 at Graford would provide service to 27,013 more persons than now receive KLXK (FM). Following the loss of service by KLXK (FM), the majority of the loss area will continue to be served by multiple

aural services. See Engineering Statement of James McWain, attached hereto, at Exhibit E-4 ("*Engineering Statement*").

In addition, as demonstrated in the *Engineering Statement*, the allotment of Channel 228C3 to Graford, Texas, can be accomplished in compliance with all minimum mileage separation requirements, *id.* at Exhibit E-1, and in full compliance with the requirements of Section 73.315 of the Commission's Rules. *Id.* at page 1.

If the requested substitution and reallocation is granted, Big Country will promptly file an application to modify the KLXK (FM) facility in accordance with the reallocation, and upon receipt of that authority will promptly make the authorized modification.

WHEREFORE, for the foregoing reasons, Big Country Radio, Inc. requests that the Commission initiate a rulemaking proceeding to amend Section 73.202(b) of its Rules to substitute Channel 228C3 for Channel 228C2 at Breckenridge, Texas, to reallocate Channel 228C3 from Breckenridge, Texas to Graford, Texas, and to modify KLXK (FM)'s license to specify Graford as its community of license.

Respectfully submitted,

Big Country Radio, Inc.

By:  \_\_\_\_\_

Ann Bavender

Its Attorney

Fletcher, Heald & Hildreth, P.L.C.  
1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Rosslyn, Virginia 22209  
703-812-0400

October 10, 1997

**Engineering Statement**

**in support of  
Petition for Rulemaking**

**KLXX Breckenridge, TX (228C3) to Graford, TX (228C3)**

**SUMMARY**

**This Statement was prepared to present technical information for Big Country Radio, Inc. in support of a petition to amend the Table of Allocations (Section 73.202(b) of the Rules).**

**The data herein shows that 228C3 can be allocated to provide First Local Aural Service to Graford, TX; that from the reference site (33-06-51N 981957W) the proposed facility is predicted to provide city-grade (70 dBu) coverage over all of Graford, TX.**

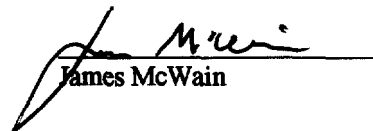
**List of Exhibits:**

- E-I Allocation Study**
- E-II Contour Study (KLXX Present)**
- E-III Contour Study (Proposed 228C3 at Graford)**
- E-IV Population and Area Study**

**I, JAMES MCWAIN, declare that;**

- 1. I am the Technical Director of Big Country Radio, Inc.**
- 2. All statements and representations of fact contained in this engineering statement are true and correct of the best of my own knowledge.**

**Date: October 9, 1997**

  
**James McWain**

Allocation Study FM Channel 228C3

Title: GRAFORD  
Reference City: GRAFORD, TX  
Translators Are Included  
Audit File: fms10087.A01

Latitude: 33-06-51  
Longitude: 98-19-57  
FCC Database: 970930

Call City of License	Auth St	Licensee Name FCC File No.	Chan ERP-kW Freq EAH-m	Latitude Az-to Longitude -from	Dist Req (km) (km)
KNINFM LIC		Moran Broadcasting Co	225C1 100.	33-54-04 347.7	89.37 76
Wichita Falls		TX BMLH-880330KB	92.9 280	98-32-21 167.6	13.37 CLEAR
USED			225C1	33-54-04 347.7	89.37 76
Wichita Falls	TX		92.9	98-32-21 167.6	13.37 CLEAR
USED			226C3	32-15-21 187.7	96.04 43
Dublin	TX		93.1	98-28-09 7.6	53.04 CLEAR
Docket: 89-128					
KSTVFM CP		David J. Shepherd, In	226C3 7.9*	32-11-12 178.1	102.91 43
Dublin		TX BPH-900510ML	93.1 177	98-17-44 358.1	59.91 CLEAR
USED			227C2	32-52-38 104.1	105.91 117
Haltom City	TX		93.3	97-14-05 284.7	-11.09 SHORT
Docket: 88-196					
KKZN LIC		Rodriguez Radio, Inc.	227C2 50.0*	32-48-29 106.6	117.34 117
Haltom City		TX BLH-961016KC	93.3 133	97-07-52 287.2	0.34 CLOSE
KLXK APP		Big Country Radio, In	228C2 38.	32-50-19 225.8	43.83 177
Breckenridge		TX BMPH-961125IH	93.5 171	98-40-07 45.6	-133.2 SHORT
USED			228C2	32-46-55 237.1	67.67 177
Breckenridge	TX		93.5	98-56-22 56.7	-109.3 SHORT
KLXK CP		Big Country Radio, In	228C2 50.0	32-46-55 237.1	67.67 177
Breckenridge		TX BPH-960111LA	93.5 136	98-56-22 56.7	-109.3 SHORT
KLXK LIC		Big Country Radio, In	228C3 12.5	32-46-55 237.1	67.67 153
Breckenridge		TX BLH-930614KE	93.5 136	98-56-22 56.7	-85.33 SHORT
USED			228C2	34-25-12 325.1	177.61 177
Altus	OK		93.5	99-26-32 144.5	0.61 CLOSE
Docket: 87-200					

Big Country Radio, Inc.  
College Station, TX

Page 2  
Oct 8, 1997

Allocation Study FM Channel 228C3

Title: GRAFORD  
Reference City: GRAFORD, TX  
Translators Are Included  
Audit File: fms10087.A01

Latitude: 33-06-51  
Longitude: 98-19-57  
FCC Database: 970930

Call	Auth	Licensee Name	Chan	ERP-kW	Latitude	Az-to	Dist	Req
City of License	St	FCC File No.	Freq	EAH-m	Longitude	-from	(km)	(km)
KRKZ	LIC	Altus Radio, Inc.	228C2	45.	34-26-20	324.0	182.56	177
Altus		OK BLH-890227KG	93.5	161	99-30-08	143.4	5.56	CLEAR
KIKT	LIC	First Greenville Corp	228C3	9.1	33-11-00	87.3	212.60	153
Greenville		TX BLH-961220KB	93.5	100	96-03-19	268.5	59.60	CLEAR
	USED		229C2		34-02-27	41.7	138.45	117
Healdton		OK	93.7		97-20-00	222.2	21.45	CLEAR
		Docket: 90-101						
KICM	LIC	Lake Country Communic	229C2	33.	34-02-27	41.7	138.45	117
Healdton		OK BMLH-960118KE	93.7	183	97-20-00	222.2	21.45	CLEAR
	VACANT		230C2		33-35-24	301.8	101.19	56
Seymour		TX	93.9		99-15-36	121.3	45.19	CLEAR
		Docket: 86-478						
KLTY	LIC	Metroplex Broadcastin	231C	100.	32-35-22	114.2	140.24	96
Fort Worth		TX BLH-821104AG	94.1	485	96-58-10	295.0	44.24	CLEAR
	USED		231C		32-35-22	114.2	140.24	96
Fort Worth		TX	94.1		96-58-10	295.0	44.24	CLEAR

End of Allocation Study FM Channel 228C3



Distance to Contour

Title: KLXX Present  
Audit File: con10087.A02  
Based on 30 Second Terrain Data  
Reference City: Breckenridge, TX

Latitude: 32-46-55  
Longitude: 98-56-22

True Radial Bearing	Radiation Center Average Elevation	Height Above Average Terrain	Effective Radiated Power	Distance to Contour 60.0 dBu F(50,50)
Degrees	meters	meters	kW dBk	km
0.00	353.8	156.2	12.500 10.969	40.83
45.00	362.5	147.5	12.500 10.969	39.78
90.00	384.9	125.1	12.500 10.969	37.06
135.00	389.6	120.4	12.500 10.969	36.49
180.00	385.1	124.9	12.500 10.969	37.03
225.00	380.5	129.5	12.500 10.969	37.58
270.00	366.8	143.2	12.500 10.969	39.25
315.00	372.8	137.2	12.500 10.969	38.52

Radiation Center (AMSL): 510.0 meters 1673.2 feet  
Average Terrain (AMSL): 374.5 meters 1228.7 feet  
Radiation Center (HAAT): 135.5 meters 444.5 feet  
Area Within 60.0 dBu F(50,50) Contour is 1782.7 sq. mi. or 4617.1 sq. km  
Population Within 60.0 dBu F(50,50) Contour is 13168

Big Country Radio, Inc.  
College Station, TX

Page 2  
Oct 8, 1997

1990 Population Count

Title: KLXX Present  
Audit File: con10087.A02

Latitude: 32-46-55  
Longitude: 98-56-22

Azimuth	Dist (km)	Azimuth	Dist (km)	Azimuth	Dist (km)
0.00	40.83	45.00	39.78	90.00	37.06
135.00	36.49	180.00	37.03	225.00	37.58
270.00	39.25	315.00	38.52		

Block Level Count Displayed by City and State

Area of contour : 4617.111 square km

Area of contour : 1782.677 square mi

1990 Population Count

Title: KLXK Present  
Audit File: con10087.A02

Latitude: 32-46-55  
Longitude: 98-56-22

	Houses	Total	White	Hisp	Black	Asian	AmIn	other
<hr/>								
Texas, Callahan County								
County Total:	2	4	4	0	0	0	0	0
Texas, Eastland County								
County Total:	103	225	218	7	0	0	0	0
Texas, Palo Pinto County								
County Total:	151	70	70	0	0	0	0	0
Texas, Shackelford County								
County Total:	1530	2924	2654	245	11	2	7	5
Texas, Stephens County								
County Total:	4917	8986	7926	767	234	28	29	2
Texas, Throckmorton County								
County Total:	285	478	446	31	0	0	1	0
Texas, Young County								
County Total:	244	481	454	21	1	0	5	0
State Total :	7232	13168	11772	1071	246	30	42	7
Total Run Population:	7232	13168	11772	1071	246	30	42	7

Distance to Contour

Title: Graford  
Audit File: con10087.A01  
Based on 3 Second Terrain Data  
Reference City: GRAFORD, TX

Latitude: 33-06-51  
Longitude: 98-19-57

True Radial Bearing	Radiation Center		Effective Radiated Power		Distance to Contour	
	Average Elevation	Height Above Average Terrain	kW	dBk	70.0 dBu F(50,50)	60.0 dBu F(50,50)
Degrees	meters	meters	kW	dBk	km	km
0.00	383.8	84.5	25.000	13.979	21.38	36.29
45.00	364.0	104.4	25.000	13.979	23.71	39.78
54.30	366.7	101.6	25.000	13.979	23.41	39.34
90.00	358.6	109.8	25.000	13.979	24.28	40.60
135.00	339.9	128.4	25.000	13.979	25.93	43.11
157.90	352.7	115.6	25.000	13.979	24.84	41.44
180.00	381.2	87.1	25.000	13.979	21.70	36.78
225.00	370.2	98.1	25.000	13.979	23.02	38.76
270.00	368.8	99.6	25.000	13.979	23.18	39.00
315.00	380.2	88.1	25.000	13.979	21.83	36.97

Radiation Center (AMSL): 468.3 meters 1536.5 feet

Average Terrain (AMSL): 368.3 meters 1208.5 feet

Radiation Center (HAAT): 100.0 meters 328.1 feet

Area Within 70.0 dBu F(50,50) Contour is 652.5 sq. mi. or 1690.0 sq. km

Area Within 60.0 dBu F(50,50) Contour is 1844.9 sq. mi. or 4778.3 sq. km

Population Within 60.0 dBu F(50,50) Contour is 40181

Big Country Radio, Inc.  
College Station, TX

Page 2  
Oct 8, 1997

1990 Population Count

Title: Graford  
Audit File: con10087.A01

Latitude: 33-06-51  
Longitude: 98-19-57

Azimuth	Dist (km)	Azimuth	Dist (km)	Azimuth	Dist (km)
0.00	36.29	45.00	39.78	54.30	39.34
90.00	40.60	135.00	43.11	157.90	41.44
180.00	36.78	225.00	38.76	270.00	39.00
315.00	36.97				

Block Level Count Displayed by City and State

Area of contour : 4778.317 square km

Area of contour : 1844.918 square mi

1990 Population Count

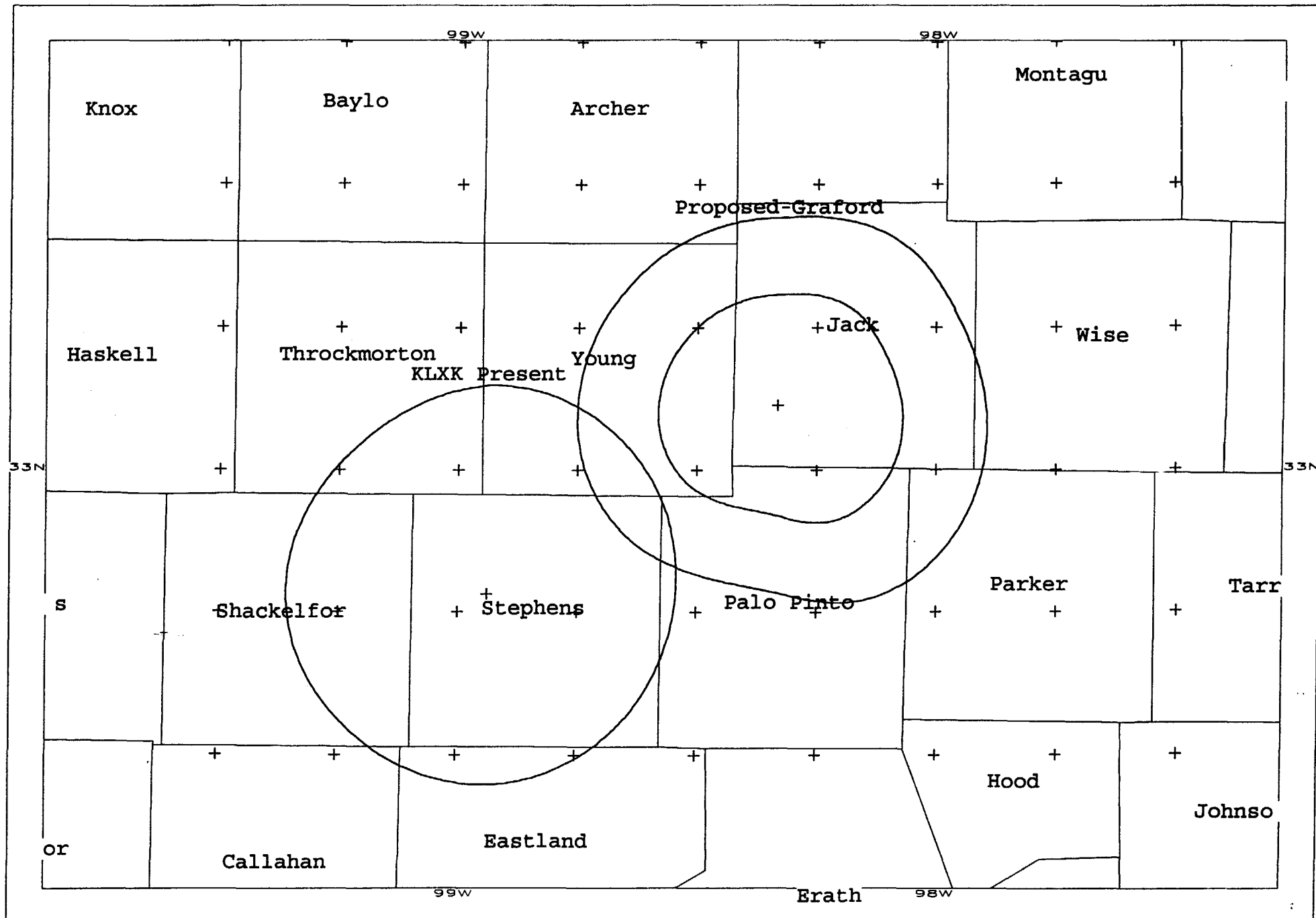
Title: Graford

Latitude: 33-06-51

Audit File: con10087.A01

Longitude: 98-19-57

	Houses	Total	White	Hisp	Black	Asian	AmIn	other
<hr/>								
Texas, Archer County								
County Total:	10	21	21	0	0	0	0	0
Texas, Jack County								
County Total:	3305	6647	6349	220	51	9	16	2
Texas, Palo Pinto County								
County Total:	9511	18706	15749	1932	781	168	61	15
Texas, Parker County								
County Total:	399	1310	1216	80	7	1	6	0
Texas, Stephens County								
County Total:	143	74	74	0	0	0	0	0
Texas, Wise County								
County Total:	70	120	107	12	0	0	1	0
Texas, Young County								
County Total:	6044	13303	12322	729	169	42	35	6
State Total :	19482	40181	35838	2973	1008	220	119	23
Total Run Population:	19482	40181	35838	2973	1008	220	119	23



Title: Loss and Gain Area  
Scale 1:1000000

Map Center: 33 0 45 N 98 34 12 W

E-IV Population and Area Study (1mv/m Contours)  
Big Country Radio, Inc.

Big Country Radio, Inc  
College Station ,TX  
Population Study

	Total	Houses	White	Hispanic	Black	Indian	Asian	other
Jack County								
#1	6981	3497	6668	232	51	18	10	2
#2	0	0	0	0	0	0	0	0
Palo Pinto County								
#1	16247	8635	13574	1711	731	54	162	15
#2	0	0	0	0	0	0	0	0
Parker County								
#1	1617	521	1503	95	7	10	2	0
#2	0	0	0	0	0	0	0	0
Shackelford County								
#1	0	0	0	0	0	0	0	0
#2	3220	1688	2924	270	11	8	2	5
Stephens County								
#1	0	0	0	0	0	0	0	0
#2	9010	4981	7950	767	234	29	28	2
Throckmorton County								
#1	0	0	0	0	0	0	0	0
#2	445	266	416	28	5057	1	0	79
Wise County								
#1	10	6	10	0	0	0	0	0
#2	0	0	0	0	0	0	0	0
Young County								
#1	11684	5312	10740	695	167	34	42	6
#2	1433	674	1389	37	2	5	0	0
Texas								
#1	36539	17971	32495	2733	956	116	216	23
#2	14108	7609	12679	1102	5304	43	30	86
TOTALS								
#1	36539	17971	32495	2733	956	116	216	23
#2	14108	7609	12679	1102	5304	43	30	86
CO		0	0	0	0	0	0	0